

The Commonwealth of Massachusetts

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ANNUAL REPORT

OF THE

COMMISSIONERS ON UNIFORM
STATE LAWS

FOR THE

Year ending November 30, 1929



The Commonwealth of Massachusetts

TWENTY-FIRST ANNUAL REPORT OF THE COMMISSIONERS ON UNIFORM STATE LAWS.

To His Excellency the Governor and the Honorable Council of the Commonwealth of Massachusetts:—

The Commissioners on Uniform State Laws during the year ending November 30, 1929, have been Hollis R. Bailey, Chairman and Secretary, Prof. Samuel Williston and Joseph F. O'Connell.

Chapter 6 of the General Laws, as amended by Chapter 200 of the Acts of 1924, provides as follows:—

"There shall be a board of commissioners on uniform state laws, consisting of three suitable persons who shall be appointed by the governor with the advice and consent of the council for five year terms."

"The commissioners shall examine subjects upon which uniformity of legislation in the various states of the United States is desirable, but which are outside of the jurisdiction of the Congress of the United States; shall confer upon these matters with the commissioners appointed by other states for the same purpose; shall consider and draft uniform laws to be submitted for approval and adoption by the several states; and generally shall devise and recommend such other or further course of action as may tend to accomplish such purposes. They shall . . . make an annual report."

The terms of office of the above named commissioners terminated October 1, 1929. They were all recommended by the Governor for reappointment and Mr. Bailey and Mr. O'Connell were reappointed. Prof. Williston, being in poor health, declined a reappointment. This being made known to the officers of the National Conference, they requested Governor Allen to delay accepting Prof. Williston's declination with the hope that later he might be in better health and be willing to accept a reappointment.

ENACTMENT OF UNIFORM LAWS

It is a part of the work of the Commission to recommend for enactment in Massachusetts such of the proposed uniform laws as seem to them most desirable. In November, 1928, the Commissioners in Massachusetts decided to recommend for adoption the Uniform Declaratory Judgment Act; and The Uniform Fiduciary Act.

They considered recommending the Uniform Veterans' Guardianship Act which was framed and approved by the National Conference of Commissioners on Uniform State Laws at the request of the American Legion.

They were informed, however, that one of the most important features of the law had already been enacted in Massachusetts and that the remaining parts of the law were not desirable in Massachusetts. They accordingly decided not to present the act for adoption in Massachusetts.

A hearing was had before the Judiciary Committee on the Uniform Fiduciary Act and it appeared that a considerable part of the law was already in

force in Massachusetts and the Judiciary Committee reported against the enactment of the Uniform Law.

An interesting hearing was had before the Judiciary Committee on the Uniform Declaratory Judgments Act. In our report last year we showed that this Act was a very desirable piece of legislation and had been adopted in a great many states.

The Judicial Council again appeared in opposition to the Uniform Law and advocated the enactment of a statute which would authorize the Supreme Judicial and Superior Courts to make Rules giving the said courts power to make declaratory judgments. Your commissioners were still of the opinion that the Uniform Law is more desirable. They, however, were of the opinion that a statute ought to be enacted and urged the Judiciary Committee to recommend one of the two proposed acts rather than to reject both. The Judiciary Committee recommended the act proposed by the Judicial Council and it was enacted by the Legislature as Chapter 186 of the Statutes of 1929. On October 5, 1929, the Superior Court established a rule to take effect November 1, 1929, as to procedure under said statute.

If it shall hereafter appear that the Uniform Law, being much broader than the statute enacted, is wanted it can again be recommended for adoption by your commissioners.

ANNUAL MEETING OF THE NATIONAL CONFERENCE

The thirty-ninth annual meeting of the Conference of Commissioners on Uniform State Laws was held at Memphis, Tennessee, in October, 1929. Said Conference was attended by two of your Commissioners, Mr. Bailey and Mr. O'Connell. Prof. Williston was not able to attend. More than thirty of the States were represented by commissioners.

A new Child Labor Act was considered and tentatively approved. A new Divorce Act was discussed and in parts was approved. It will come up again next year.

A Blue Sky Law, entitled "Sale of Securities Act," received careful consideration. The two acts which perhaps received the most attention were the Uniform Income Apportionment Act and the Act for Securing Compulsory Attendance of Non-Resident Witnesses in Civil and Criminal Cases.

A Uniform Mechanics Lien Act was discussed somewhat but it appearing that there was considerable opposition to the Act by the wholesale lumber dealers and others, no action was taken.

The Uniform Fire Arms Act was considered at some length but was not finally adopted.

Jesse A. Miller, Esq., of Des Moines, Iowa, was re-elected President; and John H. Voorhees, Esq., of Sioux Falls, South Dakota, was re-elected Secretary. The death of W. O. Hart, of New Orleans, for many years Treasurer of the Conference, was announced. He will be greatly missed.

ACTS RECOMMENDED

The commissioners this year recommend for adoption in Massachusetts the Uniform Criminal Extradition Act.

The first draft of this act was considered by the National Conference in

1922. It was re-written three times in succeeding years. The statutes and the decisions of all the states were studied and also the decisions of the United States Supreme Court.

It was finally approved and recommended for adoption in the year 1926.

The statute is one of a good deal of importance and it is clearly desirable that the laws of the several states as to extradition should be uniform. It has been adopted in four States.

FINANCIAL STATEMENT

Amount of Appropriation \$750.00

Expenses

Paid W. O. Hart, Treasurer of National Conference, contribution toward expenses	\$100.00
Paid for printing annual report	15.00
Paid Hollis R. Bailey for travelling and other expenses	179.41
Paid Joseph F. O'Connell for travelling and other expenses	<u>214.29</u>
	<u>\$508.70</u>
Unexpended balance	\$241.30

HOLLIS R. BAILEY,

Chairman.